

Substitute for form 1449A/PTO

# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet 1 of 3

<i>Confirmation Number</i>	7371
<i>Application Number</i>	10/596,500
<i>Filing Date</i>	June 15, 2006
<i>First Named Inventor</i>	Jean-Francois Bonfanti
<i>Group Art Unit</i>	1614
<i>Examiner Name</i>	
<i>Attorney Docket Number</i>	TIP-0053-USPCT

**U.S. PATENT DOCUMENTS**

Exam Initials	Cite No. <sup>1</sup>	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages or relevant figures appear
		Number	Kind Code <sup>2</sup> (if known)			
/B.M./		4,179,505		Janssen Pharmaceutica N.V.	12-18-1979	
/B.M./		4,943,580		Janssen Pharmaceutica N.V.	07-24-1990	
/B.M./		6,274,611		The United States of America as represented by the Department of Health and Human Services	08-14-2001	

**FOREIGN PATENT DOCUMENTS**

Exam Initials	Cite No. <sup>1</sup>	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages or relevant figures appear	T <sub>6</sub>
		Office <sup>3</sup>	Number <sup>4</sup>	KindCode <sup>5</sup>				
/B.M./		WO	01/00611	A	Janssens Frans Eduard et al.	01-04-2001		
/B.M./		WO	01/00615	A	Janssens Frans Eduard et al.	01-04-2001		
/B.M./		WO	01/00612	A	Janssens Frans Eduard et al.	01-04-2001		
/B.M./		WO	02/092575	A1	Trimeris, Inc.	11-21-2002		
/B.M./		WO	02/090,347	A1	Fujisawa Pharmaceutical Co., Ltd.	11-14-2002		
/B.M./		WO	03/053,939	A1	Societe De Conseils De Recherches Et D' Applications Scientifiques (S.C.R.A.S.)	07-03-2003		
/B.M./		WO	92/01687	A1	Janssens Frans Eduard et al.	02-06-1992		
/B.M./		WO	95/03298	A1	Fujisawa Pharmaceutical Co., Ltd.	02-02-1995		
/B.M./		WO	01/000909	A1	Anmelder und	01-04-2001		
/B.M./		EP	0005318	B1	Janssen Pharmaceutica N.V.	01-06-1982		
/B.M./		EP	111993	A2	Eli Lilly And Company	06-27-1984		
/B.M./		FR	2,731,707	A	Synthelabo	09-20-1996	* See note on Page 2	
/B.M./		DE	2,813,523	A1	Janssen Pharmaceutica N.V.	10-05-1978	Cumulative - See US equivalent- US 4,179,505	
/B.M./		SU	1,1637663	A1	Janssen Pharmaceutica N.V.	07-24-1990	Cumulative - See US equivalent- US 4,943,580	

#### **OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS**

Examiner Signature	/Brian McDowell/	Date Considered	/Brian McDowell/
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. 1 Applicant's unique citation designation number (optional). 2 See Kinds Codes of U.S. Patent Documents at [www.uspto.gov](http://www.uspto.gov). 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. 6 Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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Sheet 3 of 3

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<i>Examiner Name</i>	
<i>Attorney Docket Number</i>	TIP-0053-USPCT

Note: Non-English language reference FR 2,731,707 discloses benzimidazole compounds, their preparation and use as therapeutic agents. Chemical structures of the compounds are provided in the Table on pages 14-16 of the patent.

## CERTIFICATION STATEMENT

Please see 37 CFR 1.97 and 1.98 to make the appropriate selection(s):

- That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(1).

**OR**

- That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(2).
- See attached certification statement.
- Fee set forth in 37 CFR 1.17 (p) has been submitted herewith.
- Please charge deposit account 10/0750 with any fees associated with this filing.

## SEARCH REPORT

The citation listed are submitted on the basis of the PCT search report dated \_\_\_\_\_, that is in the English language that issued on the corresponding international patent application no. \_\_\_\_\_, copy attached.

## SIGNATURE

A signature of the applicant or representative is required in accordance with CFR 1.33, 10.18. Please see CFR 1.4(d) for the form of the signature.

Signature	/Mary A. Appollina/	Date (YYYY-MM-DD)	2009-02-10
Name/Print	Mary A. Appollina	Registration Number	34,087

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**